

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>THOMAS ZLOTNICKI,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 14-cv-220-CJP<sup>1</sup></b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM AND ORDER**

**Proud, Magistrate Judge:**

This matter is now before the Court on the parties' joint Stipulation for Remand. **(Doc. 21)**.

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties stipulate that, on remand, an ALJ will do the following:

On remand, an Administrative Law Judge (ALJ) will further develop Zlotnicki's earnings record and re-consider whether he engaged in

---

<sup>1</sup> This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 7.

substantial gainful activity prior to his date last insured. If the sequential evaluation proceeds past step 1, the ALJ will further consider whether Zlotnicki's cardiomyopathy or any other cardiac impairment was "severe" at step 2, evaluate the medical opinions of Dr. Blaise, reassess Zlotnicki's residual functional capacity, and proceed to steps four and five of the sequential evaluation process as necessary.

The Court notes that plaintiff applied for benefits almost four years ago. (Tr. 12). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this matter on remand to the extent practicable.

For good cause shown, the parties' joint Stipulation for Remand (**Doc. 21**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Thomas Zlotnicki's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: October 27, 2014.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**